

**CITY OF ISSAQUAH
DEVELOPMENT SERVICES DEPARTMENT
ADMINISTRATIVE REVIEW**

NOTICE OF DECISION

TO: Paul Zydek
236 SW Gibson Lane
Issaquah, WA 98027

Jamey Barr
Concept Engineering, dba Beyler Consulting
455 Rainier Blvd. N
Issaquah, WA 98027

PROJECT: **Zydek/Warczak Short Plat**

APPLICATION: **Short Plat: SP15-00001**

DATE OF DECISION: **September 28, 2015**

REQUEST: Subdivide a 23,857 SF parcel into 2 lots (11,928.5 SF per lot) for construction of single family residences. There are severe and moderate coal mine hazard areas located on the south portion of the site. There is an off-site intermittent stream, Dam Access Creek, and the 50-foot stream buffer extends onto the southeast corner of the site. Both lots would have sufficient building area outside of the stream buffer and coal mine hazard areas. There is an existing residence on the site which will be demolished. The residential lots would be accessed off SW Gibson Lane.

LOCATION: 205 SW Gibson Lane

**COMPREHENSIVE PLAN
DESIGNATION:** "Low Density Residential"

PARCEL NUMBER: 332406-9070

SITE AREA: 23,857 SF

ZONING: "SF-S" (Single Family Suburban)

The Development Services Department conditionally approves the application for the Zydek/Warczak Short Plat, application SP15-00001. Approval of the application is based on materials submitted on February 13, 2015 and the revised plans submitted on July 31, 2015, and is subject to the following conditions:

SEPA Mitigation Measures:

- 1) The severe coal mine hazard area, as mapped in the *Preliminary Coal Mine Hazard Assessment* (Icicle Creek Engineers), shall be shown and recorded on the short plat plans, with a note prohibiting the construction of structures within the area.

- 2) The moderate coal mine hazard area, as mapped in the *Preliminary Coal Mine Hazard Assessment* (Icicle Creek Engineers), shall be shown and recorded on the short plat plans. The plans shall note that construction of structures within the moderate coal mine hazard area shall follow the recommendations in the *Preliminary Coal Mine Hazard Assessment* (Icicle Creek Engineers).
- 3) The stream buffer area on the southeast portion of the site shall be shown on the short plat as a Native Growth Protection Easement (NGPE), prohibiting building and improvements in the NGPE area.
- 4) The applicant shall mitigate for potential impacts on public services and bicycle and pedestrian facilities. The City may approve a voluntary payment in lieu of other mitigation. The current mitigation fees are: \$145.39/new single family residence for general government buildings, \$186.10/new single family residence for police mitigation, and \$764.54/new single family residence for bicycle and pedestrian facilities. The mitigation fees will be assessed with issuance of building permits and the actual fee amount will be the adopted fee in effect at the time of building permit issuance. Applicant objections to the voluntary payment should be made during the SEPA comment period. The applicant should pay the voluntary contribution prior to issuance of building permits. The applicant shall receive credit for the one existing residence on the parcel.

Short Plat Conditions

- 5) Existing house on the parcel shall be demolished prior to recording of the plat.
- 6) Permanent survey markers shall be installed to delineate the boundary of the stream buffer from the remaining lot area.
- 7) Clearing and grading activity shall be outside the critical root zone of retained trees. Approved tree protection measures shall be in place prior to any other construction or demolition activities. They may be installed in conjunction with limits of clearing and grading delineation.
- 8) Impact fees will be due with the issuance of Building Permits for the one new lot, including: 1) Transportation Impact Fee, 2) Schools Impact Fee, 3) Parks Impact Fee, 4) Fire Impact Fee. These impact fees are required in addition to the SEPA mitigation fees listed in Condition 4 above. The applicant shall receive impact fee credit for the existing lot and the residence that was recently demolished for the short plat.

Recording of the Short Plat:

- 9) The Lot Line Adjustment (LLA15-00002) shall be recorded prior to recording the subject short plat. Legal Descriptions on mylars shall reflect the recorded Lot Line Adjustment. Do not include utilities, trees or other existing features on short plat mylars.
- 10) Show side sewer easement on Lot 2 for benefit of Lot 1 sewer connection.
- 11) Mylars shall use the City of Issaquah short plat template. The land use file number, SP15-00001, shall be placed on mylar sheets.
- 12) Following expiration of the appeal period of this Notice of Decision, provide the City with a mylar copy of the approved short plat. Upon City signature of the Mylar, the applicant shall record the approved Short Plat with the King County Department of Records and Elections. The Short Plat shall not be deemed formally approved until so filed.
- 13) Three copies of the recorded Short Plat drawings shall be provided to the Development

Services Department within ten (10) days of recording with the King County Department of Records and Elections.

- 14) One (1) electronic copy of the final plans shall be provided in a software format acceptable to the Public Works Department.
- 15) All new property corners of the lots shall have a rebar and cap set per current WAC guidelines for land surveys.

Construction Drawing Conditions:

1. Small Site Drainage Report shall be required at time of Building Permit Application. Grading must also be included on the Site Plan.
2. Side Sewer Connection point will need to be worked out during building permit application review. Side sewers which are traversing neighboring properties require an easement which must be shown on the Short Plat.

Sheet CV.01 – Water Notes:

3. Note # 1- references 1988 edition is this really the latest edition?
4. Note # 1 - please add Issaquah Construction Standards as a reference.
5. Note # 12 – Hydrant standard is wrong number. Change W-7 to W-2
6. Note # 13 – Service line standards are wrong. Change W-3, W-4, W-5 & W-6 to W-09, W-10 & W-11.

Sheet UT.01

7. City will install single water meter and service for lot #2 where shown. Builder to work with City for scheduling. Allow at least 6-weeks for installation. Final grade elevation must be established and marked prior to meter installations.
8. When removing 12" – 18" cedar tree just behind existing water meter for lot #1, be cognizant that the roots may have grown around water service line. Consider turning off the water meter and disconnecting the tail from the backside of the meter.
9. Builder/inspector to ensure side sewer is installed a minimum of 10' away from meter or service line. Protect existing side sewer connection during construction (suggest capping or plugging).
10. Coordinate with Utility Billing (425-837-3070) for final billing reads and ownership changes on existing water meters.

REASONS FOR DECISION:

1. Issaquah Municipal Code (IMC) 18.04.400 of the Land Use Code authorizes the Development Services Department to review Short Plat applications through a Level 2 Review process (administrative review and approval). The Level 2 Review requires public notice to property owners within 300 feet of the site and a decision by the Development Services Department. The Notice of Application (NOA) was sent to surrounding property owners on March 27, 2015. (Exhibit 4). A 14-day public comment period was provided ending on April 10, 2015. No correspondence was received from the surrounding property owners.

2. The application was received on February 13, 2015 and a Notice of Complete Application was issued on March 9, 2014. Revised plans, responding to a code concerns letter (sent June 23, 2015), were submitted by the applicant on July 31, 2015.
3. The property is zoned Single Family Suburban (SF-S). The minimum lot size in the SF-SL zone is 9,600 square feet according to the District Standards Table, IMC 18.07.360. The proposal is to subdivide a 23,857 SF parcel into 2 lots, each lot 11,928.5 SF in area. The proposed lots exceed the minimum lot size requirement of the SF-S zone.
4. Single family houses are a permitted land use in the SF-S zone. The applicant plans to construct one single family residence on each lot. Development standards required for construction on each lot (including setbacks, impervious surface limits and building height) will be reviewed with Building Permit applications.
5. There is an existing residence on the site, which straddles proposed lot lines. This existing structure shall be demolished prior to recording of the short plat.
6. A SEPA Mitigated Determination of Nonsignificance (MDNS) was issued for the project on August 27, 2015 (Exhibit 6). A 21-day comment/appeal period ended on September 17, 2015. The Muckleshoot Tribe requested copies of the plans and wetland report and provided no further comments. No other comments or appeals were received. SEPA mitigation measures are included as project conditions, Conditions 1-4.
7. The proposal was reviewed for Transportation Concurrency, per requirements of the Transportation Concurrency Management Code (IMC Chapter 18.15). New single family residences generate 1.01 PM peak hour trips per day. The proposed short plat would create 1 new lot and therefore would generate 1.01 new PM peak hour trips. This finding shall serve as the Certificate of Transportation Concurrency for the proposed short plat.
8. Tree retention requirements are required for subdivisions, including short plats, per IMC 18.12.1385. 30% of the total caliper (dbh) of all significant trees in the *developable* site area is required. The tree retention is shown on Sheet TR.01. The site includes 20 trees with a total caliper of 320 inches. Eight (8) trees, with a total caliper of 134 inches (42% of the total caliper), are proposed to be retained along the street frontage. Tree protection measures are required to be installed prior to construction activities (Condition 7).
9. The Short Plat must meet the requirements of IMC 18.13.380 "Design Standards":
 - A. *Lands which the Planning Director/Manager has found to be unsuitable due to flood, inundation, or swamp conditions likely to be harmful to the safety, welfare and general health of the future residents, and the Planning Director/Manager considers inappropriate for development, shall not be subdivided unless adequate means of control have been formulated by the applicant and approved by the Public Works Director.*

Response: There are severe and moderate coal mine hazards on the south portion of the site and the buffer of an off-site intermittent stream (Dam Access Creek) extends onto the southeast corner of the site. These areas are unsuitable or limited for development and SEPA conditions require these areas to be identified on the

short plat plans and protected from future improvements and building. Both lots would have sufficient building area outside of the stream buffer and coal mine hazard areas.

- B. *The applicant shall furnish a soil test if required by the Public Works Director. The Public Works Director shall determine whether control measures are warranted. The applicant shall be responsible for the design, installation and expense of any device or corrective measures subject to the approval of the Public Works Director.*

Response: A soils test was not required for the Zydek Short Plat. Soils reports will be required with building permits for construction of houses on the site.

- C. *All lots shall abut upon or have adequate access, by easement or private road, to a dedicated or deeded public right-of-way. In the event that an existing abutting public right-of-way does not meet the minimum width standards, additional right-of-way may be required prior to approval of a short subdivision.*

Response: The 2 lots have frontage and direct access onto a public street, SW Gibson Lane. No right-of-way dedication or street improvements are required.

- D. *The minimum land area for each lot shall be no less than the minimum allowed by this Code (District Standards Table, IMC 18.07.360) for the specific zone in which the proposed short subdivision is planned to be located, plus any additional area to be used for access easement and/or private roadway.*

Response: The 2 proposed lots are each 11,928.5 SF in size. The minimum lot area required in the SF-S zone is 9,600 SF. The proposed short plat meets the minimum lot size requirement.

10. IMC 18.13.390 "Required Improvements" states that the Planning Director/Manager shall determine that the following improvements are available for each parcel created by the division of land:

- A. *Adequate water supply when necessary;*
- B. *Adequate method of sewage disposal;*
- C. *Provision for appropriate deed, dedications and easements;*
- D. *Storm drainage improvements and storm sewers when necessary;*
- E. *Fire hydrants when necessary;*
- F. *Street and alley paving, and concrete curbs, gutters and sidewalks when necessary;*
- G. *Street lights when necessary;*
- H. *Adequate provisions for sidewalks and other planning features that assure safe walking conditions for students who walk to and from school.*

Summary: The proposal meets the short plat requirements, A – H, as discussed above.

14. The City has determined that appropriate provisions are available or have been made for public health, safety, and general welfare.
15. The application was routed to City Departments for review and comment. Those comments are incorporated into this Notice of Decision.
16. In accordance with IMC 18.13.400, all short plats shall be filed with the King County Department of Records and Elections and shall not be deemed formally approved until so filed. The filing of the short plat shall be the responsibility of the applicant. Every short plat filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on the short plat is in the name of the applicant. A copy of the recorded plat shall be returned to the Issaquah Permit Center within ten (10) days of recording along with an electronic copy in a format acceptable to the Public Works Department.

EXPIRATION OF LAND USE PERMIT

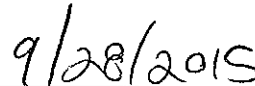
The final decision approving the Short Plat is valid for three years as specified by IMC 18.04.220-D, or as amended by the Land Use Code.

EXHIBIT LIST:

1. Short Plat Application, received 2-13-2015
2. Vicinity Map, received 2-13-2015
3. Affidavit of Ownership, received 2-13-2015
4. Notice of Application, dated 3-27-2015
5. Environmental Checklist, received 2-13-2015
6. SEPA Determination (MDNS), issued 8-27-2015
7. Preliminary Coal Mine Hazard Assessment and Geotechnical Consultation (Icicle Creek Engineers) dated May 12, 2014
8. Wetland/Stream Reconnaissance Report (Wetland Resources, Inc.) dated January 26, 2015
9. Preliminary 2-Lot Short Plat, Sheet 1 of 1, received July 31, 2015
10. Cover Sheet, Sheet CV.01, received July 31, 2015
11. Site Utility Plan, Sheet UT.01, received July 31, 2015
12. Tree Retention Plan, Sheet TR.01, received July 31, 2015
13. Boundary & Topographic Survey, Sheet TP.01, received July 31, 2015



Peter Rosen, Senior Environmental Planner
Development Services Department



Date